

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

CLIFTON DAVID SIMS,

Plaintiff

v.

DONALD J. TRUMP, *et al.*,

Defendants

Civil Action No. 19-345 (CKK)

**ORDER**

(August 9, 2019)

On July 31, 2019, the Court issued an Order asking the parties to respond to the Court's proposal to stay this case, including Defendant's [8] Motion to Dismiss. The Court proposed staying the case pending a United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") decision in *Lovitky v. Trump*, Civ. A. 19-1454 (CKK) or *Blumenthal v. Trump*, Civ. A. 17-1154 (EGS). Both of these cases involve an issue which is central to the case currently before the Court—whether or not injunctive or declaratory relief can be granted against a sitting President.

In Plaintiff's [16] Reponse to the Court, Plaintiff indicated no opposition to the stay. In Defendant's [17] Reponse to the Court, Defendant also indicated no objection to the stay. Defendant further requested that, rather than putting a time limit on the stay, the case be unconditionally stayed pending a D.C. Circuit decision in either *Lovitky* or *Blumenthal*.

Given the First Amendment issues presented in Plaintiff's Complaint, the Court finds that it is more reasonable to order the case stayed for 60 days or until the D.C. Circuit has issued a decision in either *Lovitky* or *Blumenthal*, whichever comes first. If after 60 days no decision has been issued, the Court will revisit whether or not the stay should be extended.

Accordingly, the Court ORDERS that this case, including Defendant's [8] Motion to Dismiss, be STAYED for a period of 60 days or until the D.C. Circuit has issued a decision in either *Lovitky* or *Blumenthal*. The Court further ORDERS the parties to file a Joint Status Report proposing next steps five days after the D.C. Circuit issues a decision in either *Lovitky* or *Blumenthal*. If a decision has not issued by OCTOBER 11, 2019, the

Court ORDERS the parties to file a Joint Status Report by that date indicating whether or not the stay should be extended.

**SO ORDERED.**

/s/  
COLLEEN KOLLAR-KOTELLY  
United States District Judge